

Date: September 15, 2005

To: Honorable Chairman Joe A. Martinez and Members,
Board of County Commissioners

IM&FR

AGENDA ITEM NO. 3B3

From: George M. Burgess
County Manager

Subject: Waiver of Formal Bid Procedures

RECOMMENDATION

It is recommended that the Board of County Commissioners (BCC) waive formal bid procedures for the purchase of goods and services pursuant to Section 2-8.1 of the County Code and Section 4.03(D) of the Home Rule Charter in the best interests of the County.

BACKGROUND

Section 1 SOLE SOURCES

A sole source purchase is the procurement of a good or service under Administrative Order 3-38 for which there is no other vendor who can compete to provide the good or service, and an equal product or service is not available from any other supplier.

There are no items for this section.

Section 2 BID WAIVERS

A bid waiver is a purchase of a good or service under Administrative Order 3-38 without formal competitive bidding when it is in the best interest of the County. Negotiations took place with the vendor to formulate the contract.

There are no items for this section.

Section 3 COMPETITIVE BID WAIVERS

A bid waiver is a purchase of a good or service under Administrative Order 3-38 without formal competitive bidding when it is in the best interest of the County. A "competitive" bid waiver is when bids, quotes or proposals were sought from multiple vendors and competition was obtained "in fact," although not adhering to all of the standards for full and open competition prescribed by Section 2-8.1 of the County Code and Administrative Order 3-38.

There are no items for this section.

Section 4 EMERGENCY PURCHASES

An emergency purchase under Administrative Order 3-38 is an unforeseen or unanticipated urgent and immediate need for goods or services where the protection of life, health, safety or welfare of the community or the preservation of public properties would not be possible using

any of the other purchasing methods described in Administrative Order 3-38 including bid waiver. Whenever feasible, staff solicits at least three competitive quotes.

Item 4.1 (Well Drilling Services) is an emergency contract for drilling and installation of monitoring wells at the Northwest Wellfield for Miami-Dade Water and Sewer.

Item 4.2 (Temporary Nursing Personnel Services) is an emergency contract to provide nursing personnel services for Human Services.

Item 4.3 (Bell "Power by Hour" Warranty Support Plan) is an emergency contract to continue to provide parts and maintenance in support of air rescue helicopter for Fire Rescue.

Item 4.4 (Cleaning of South Dade Busway Stations) is an emergency contract to continue to provide cleaning and janitorial services at bus stations, and "Park and Ride" parking lots along the South Dade Busway route for Miami-Dade Transit.

Section 5 NONCOMPETITIVE CONTRACT MODIFICATIONS

A noncompetitive contract modification is when the requested supplemental allocation for goods or services exceeds the scope of the original contract award and allocation representing, therefore, a waiver of the competitive bidding process under Administrative Order 3-38 for the additional goods and services.

There are no items for this section.

Section 6 CONFIRMATION (UNAUTHORIZED) PURCHASES

A confirmation purchase is the ratification action that authorizes a prior unauthorized purchase under Administrative Order 3-38.

There are no items for this section.


Alina T. Hudak
Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE:

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☒ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Veto

Override

RESOLUTION NO.

RESOLUTION WAIVING FORMAL BID PROCEDURES FOR THE
PURCHASE OF GOODS AND SERVICES AND AUTHORIZING
THE COUNTY MANAGER TO AWARD SAME WITH AUTHORITY
TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED
THEREUNDER

WHEREAS, the County Manager recommends to this Board to waive formal bid procedures for the purchase of goods and services which cannot be purchased under normal bid procedures

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board finds it is in the best interests of Miami-Dade County to waive formal bid procedures for the purchase of goods and services and to authorize the County Manager to award such contracts with authority to exercise options-to-renew established thereunder pursuant to Section 4.03(D) of the Home Rule Charter and Section 2-8.1 of the County Code by a two-thirds (2/3s) vote of the Board members present.

The foregoing resolution was offered by Commissioner

, who moved its adoption. The motion was seconded by Commissioner
, and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Dennis C. Moss, Vice-Chairman

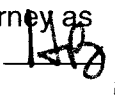
Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto

Dr. Barbara Carey-Shuler
Carlos A. Giménez
Barbara J. Jordan
Natacha Seijas
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 18th day of October, 2005. This Resolution and contract, if not vetoed, shall become effective in accordance with Resolution No. R-377-04 with the exception of those items which the attached list specifically describes as funded or potentially funded by proceeds from the Charter County Transit System Surtax. The effectiveness of those items is subject to the provisions of subsection (e) of section 29-124 of the County Code which specifies "no award shall be effective and no contractual relationship shall arise with the county unless and until approved by the [Citizen's Independent Transportation] Trust or re-affirmed by the County Commission".

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by the County Attorney as
to form and legal sufficiency. 

By: _____
Deputy Clerk

It is recommended that the Board of County Commissioners waive the use of the formal bidding process for the items listed in this package pursuant to Section 4.03 (D) of the Home Rule Charter in the best interests of the County.

SECTION # 1
SOLE SOURCES

There are no items for this section.

SECTION # 2
BID WAIVERS

There are no items for this section.

SECTION #3
COMPETITIVE BID WAIVERS

There are no items for this section.

SECTION # 4
EMERGENCY PURCHASES

4.1

BID NUMBER:

E2019-WS

Title:

Well Drilling Services

Description:

To establish an emergency contract for the drilling and installation of twenty-one monitoring wells at the Northwest Wellfield to investigate the levels of benzene in the water supply.

Department(s):

WASAD

Allocation(s):

\$220,143

Funding Source(s):

General Funds

Term of Contract:

July 26, 2005 through completion of all work specified under the contract

Option(s)-to-Renew:

None

Local Preference:

Not applicable, emergency awarded to single vendor.

UAP:

This contract includes the 2% User Access Fee. The County will collect the UAP Fee.

Living Wage:

The services to be provided are not covered under the Ordinance.

Vendor(s):

Prosonic Corporation

Estimated Contract Usage:

\$220,143

Previous Contract Usage:

\$250,000 for eighteen months

Justification:

Seeking ratification of an emergency award issued on July 1, 2005 for the drilling and installation of twenty-one (21) monitoring wells for the Miami-Dade Water and Sewer Department (MDWASD).

During the month of January 2005, routine chemical tests were conducted on the untreated water supply at the Preston Water Treatment Plant (Plant), the results showed the presence of benzene. The treated water supply at the Plant did not show detectable levels of benzene.

On March 11, 2005, the Department of Environmental Resource Management (DERM) issued a "Corrective Action Letter" to MDWASD requesting that the Department establish a formal "Action Plan" designed to determine the source and extent of the benzene contamination. In response to DERM's letter, MDWASD executed an "Action Plan" in which a network of twenty-one (21) monitoring wells were drilled and installed to identify the contamination sources and to monitor contamination levels.

MDWASD accessed vendors under an existing well drilling County contract; however, the costs of the additional wells exceeded the funding available under that contract. A separate emergency contract was established to provide the additional funding needed.

The vendor Prosonic, was selected for the emergency contract as that firm was one of the pre-qualified vendors under the existing County contract and was the only one that had the required drilling equipment readily available.

This emergency action was necessary to protect the health and welfare of County residents.

Contract Manager(s) : John Chorlog, Deputy Director, Miami-Dade Water & Sewer Department

4.2

BID NUMBER:

E5358-0/05

Title:

Temporary Nursing Personnel Services

Description:

To establish an emergency contract for continuity of temporary nursing personnel services.

Department(s):

Human Services

Allocation(s):

\$150,000

Funding Source(s):

General Funds

Term of Contract:

Four months (July 1, 2005 through October 31, 2005)

Option(s)-to-Renew:

None

Local Preference:

Not applicable. Awarded to a local business on an emergency basis.

UAP:

This contract includes the 2% User Access Fee. The County will collect the UAP fee under this contract.

Living Wage:

The services to be provided are covered under the Ordinance. The Living Wage is included in the specifications.

Vendor(s):

AMS-A Personnel Management Service Corp.

Estimated Contract Usage:

\$150,000 for four months

Previous Contract Usage:

\$826,000 for twelve months

Justification:

Seeking ratification of an emergency award issued on July 1, 2005, for temporary nursing personnel services.

The three vendors originally awarded under the previous contract (5358-2/04-OTR) withdrew from the contract prior to the final option-to-renew period (July 1, 2004 through June 30, 2005) due to difficulties in maintaining the required insurance.

Immediate action was taken to establish a replacement contract. Nursing services are critical to Department of Human Services operations. An emergency contract was issued to provide for continuity of services until the new open, competitive contract is awarded.

This emergency action is recommended for award to the selected vendor based on confirmation of that firm's capability to provide the required services and of insurance requirements prior to the initiating service. A new competitive contract will be awarded within the County Manager's delegated authority before the expiration date of the emergency award.

The previous contract was based on estimated usage. The allocation for this emergency was based on actual usage resulting in a decrease in the contract value when compared to the previous contract.

Contract Manager(s):

Gale Aldrich, Administrative Officer, Department of Human Services.

4.3

BID NUMBER:

E6196-0/05

Title: Bell "Power by Hour" Warranty Support Plan

Description: To establish an emergency contract to continue to provide parts and maintenance in support of air rescue helicopters.

Department(s):

Fire Rescue

Allocation(s):

\$743,375

Funding Source(s):

General Funds

Term of Contract: January 1, 2005 through January 31, 2006

Option(s)-to-Renew: None

Local Preference: Not applicable, emergency awarded to single vendor.

UAP: This contract includes the 2% User Access Fee. The County will collect the UAP Fee.

Living Wage: The services to be provided are not covered under the Ordinance.

Vendor(s): Bell Helicopter Textron

Estimated Contract Usage: \$743,375 for twelve months

Previous Contract Usage: \$1,854,750 for twelve months

Justification: Seeking ratification of an emergency award issued on January 1, 2005, for the pre-positioning of parts for scheduled maintenance to ensure minimal downtime for four Miami-Dade Fire Rescue (MDFR) aircrafts designated for critical emergency support. The contract establishes a set price for required parts based on "per hour" use of the aircraft.

The last available option-to-renew (OTR) on the previous long-term contract for this service (SS6196-2/03) expired on December 31, 2004. Award of a new long-term replacement contract (SS7640-0/09) was delayed by confirmation and refinement of technical specifications, and inclusion of the User Access Program (UAP) and Inspector General (IG) fee in negotiations with the sole source vendor.

These services are essential to the operation of Fire Rescue aircraft.

The need for issuance of an emergency contract was certified by the Director of the user department.

The decrease from the previous usage is due to a decline in the total number of hours flown. Two of the four helicopters are not flying due to major overhauls.

Contract Manager:

Nirhmala Nauth, Purchasing Services Manager, Miami-Dade Fire Rescue Department.

4.4

BID NUMBER:

EM7927-0/06

Title: Cleaning of South Dade Busway Stations

Description: To establish an emergency contract for continuity of cleaning and janitorial services at forty Miami-Dade Transit stations and three "Park and Ride" parking lots along the South Dade Busway route.

Department(s):

MDT

Allocation(s):

\$129,287

Funding Source(s):

PTP and General Funds

Term of Contract: Six months (August 2, 2005 to January 30, 2006)

Option(s)-to-Renew: None

Local Preference: Applied in accordance with the applicable Ordinance without affecting the award outcome.

UAP: This contract includes the 2% User Access Fee. The County will collect the UAP Fee.

Living Wage: The services to be provided are covered under the Ordinance. The Living Wage is included in the specifications.

Vendor(s): Integrity Janitorial

Estimated Contract Usage: \$129,287 for six months

Previous Contract Usage: \$544,465 for two years

Justification: Seeking ratification of an emergency award issued on August 2, 2005, to provide cleaning and janitorial services at bus stations and "Park and Ride" parking lots, along the South Dade Busway route for the Miami-Dade Transit Department (MDT).

The previous contract for these services was awarded in August 2003 as a BBE set-aside. That contract could not be extended past the initial expiration date (August 31, 2005) pursuant to the Hershel-Gill court decision. A short-term emergency contract was awarded on a competitive basis to provide for continuity of services to allow time to prepare final specifications and award a new long-term replacement contract. The long-term

contract will be awarded prior to expiration of the emergency contract.

The need for issuance of an emergency contract was certified by the Director of the user department.

Although this is an emergency procurement, the Department of Procurement Management used a competitive solicitation for this purchase.

Bid announcements were issued to four-hundred and forty eight vendors. Twenty-five vendors submitted bids. The recommended vendor is the low responsive, responsible bidder.

Proceeds from the Charter County Transit System Sales Surtax levied pursuant to Section 29.121 of the Code of Miami-Dade County may be used to pay for part of the costs of this contract for Miami-Dade Transit (MDT).

Contract Manager: Adrian Jones, Department Property Management Supervisor, Miami-Dade Transit.

Contract Effective Date: August 2, 2005, subject to approval by the Citizen's Independent Transportation Trust or re-affirmed by the County Commission for the use of Charter County Transit Systems Sales Surtax Funds.

Allocations requiring CITT approval will become effective 10 days after expiration of the Mayoral veto period and completion of the period stipulated for reconsideration of the approval by the BCC and approval by the CITT.

SECTION # 5
NON COMPETITIVE CONTRACT MODIFICATIONS

There are no items for this section.

SECTION # 6
CONFIRMATION PURCHASES

There are no items for this section.
